

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CONTEMPT PETITION NO.278 OF 2005
IN
WRIT PETITION NO.3795 OF 2005

Balanch Estates Private Ltd. & anr. ..
Petitioners.

Vs.

Shikarpuri Co-operative Housing Society Ltd. & Ors. ..
Respondents.

...

Mr. Shailesh Shah with Mr. N.R. Gandhi for the Petitioners.
Mrs. R.S. Peerbhoy for the Respondents.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

21st November, 2005.

P.C. :

Prima facie, I am of the view that the Respondents are guilty of a breach of the order of this Court dated 17th June, 2005. This Court while admitting the Petition filed by the Co-operative Society had declined to stay the operation of the order of the Divisional Joint Registrar directing the society to admit the Petitioner as a member. The Petitioner is a purchaser at an auction sale conducted by the bank for the recovery of its dues and has paid a sum of [Rs.1.25](#) Crores for the purchase of the residential flat in question.

At the hearing of this Contempt Petition, counsel appearing for the Respondents makes a statement on behalf of the First Respondent on the instructions of Mr. M.L. Verma, the Chairman of the Co-operative Society and Mr. Chirag Shah, Respondent No.7, who are both present in the Court, that the Petitioner shall be admitted as a member of the Co-operative Society subject to the outcome of Writ Petition 3795 of 2005 which is pending before this Court. An undertaking tendered on behalf of the Respondents by the learned counsel in the aforesaid terms is accepted. It has been stated that the share certificate will be issued to the Petitioner within a period of two weeks from today. In view of the statement which has been made on behalf of the Respondents which is accepted, I am of the view that it is not necessary to pursue the Contempt Petition any further. The Contempt Petition is accordingly disposed of.